

SAAD SITE STEERING COMMITTEE

February 10, 1995



Mr. Fred B. Stroud
On Scene Coordinator
U.S. Environmental Protection Agency - Region IV
345 Courtland St., N.E.
Atlanta, GA 30365

Re: Saad Trousdale Road Site (the "Site")
Nashville, Tennessee

Dear Mr. Stroud:

I acknowledge receipt of your January 21, 1995 letter. In it, you state:

As evidenced by the sampling conducted during the excavation the material is hazardous by characteristic (TCE failed TCLP) and is in contact with the groundwater. The waste also contains toluene, xylene, vinyl chloride as well as other hazardous substances. EPA's Groundwater Section is of the opinion that this groundwater at the Site is "potential drinking water" and requires protection. The preliminary results of EPA's dye trace substantiates previous studies indicating that contaminated water from the Saad Site is migrating and poses an imminent and substantial endangerment to human health and the environment.

You then state that you have made a determination that "further removal actions are needed at the Site." While your letter does not state what those actions are, independently you have advised that you want to excavate an area that is over 100 feet long, approximately 60 feet wide and at least 12 feet deep, and to excavate 15 feet laterally into the adjacent CSXT railroad berm for a distance of over 100 feet. In short, you want to dig up and haul away the Saad Site and part of the railroad berm.

You have asked the Saad Site Steering Committee (the "Committee") to undertake this work. To evaluate your request, the Committee asked independent experts to review your letter and the conclusions that you have reached. I enclosed letters from these experts. They flatly disagree with your conclusions. Contrary to your statements, their analysis demonstrates:

1. There is no imminent or substantial endangerment to human health and the environment by any realistic definition of those terms.

2. There is no person or thing that is being impacted by the soils at the Site. No one works at the Site. The Site is fenced in.

3. There is no person or thing that is being impacted by groundwater at the Site. No one uses water at the Site. The entire area is industrial. Public water supplies are not in jeopardy here.

4. You argued that the EPA groundwater section regarded the water at the Site as "potential drinking water." The EPA groundwater section treats virtually all groundwater as "potential drinking water." All groundwater requires protection. That does not mean, however, that all dirt is dug up and hauled away whenever chemicals can be found in soils. Even at the Superfund sites (and this Site is not a Superfund site), it is rare that digging and hauling is the remedy after a Remedial Investigation and Feasibility Study is performed, even given the same concerns about protection of groundwater.

5. The dye trace study does not support your position. It was flawed by its author's own admission to the point that EPA is going to do the study again. The only place dye injected at the Saad Site may have been detected is in a pit being excavated at the Radnor Yard. To quote from your contractor's January 25, 1995 report (admittedly written after your letter), "It has not yet been detected at a spring, however."

6. There is no monitor well data available to demonstrate that groundwater is in need of any protective action. There is no recent evidence that any chemical has been detected in groundwater at the Site much less off of the Site. The recent water samples that you relied upon are samples of water in an excavation ditch. These are not groundwater samples.

7. What groundwater data does exist is 7 to 11 years old. Since then, five removals have occurred at the Site. Whether any of them were necessary to begin with is not the point. The fact that five removals have occurred compels the conclusion that groundwater quality cannot be assumed to be poor in the absence of data.

8. The detection of toluene, xylenes, or vinyl chloride at the Site lends nothing to the analysis. The levels that remain at the Site are inconsequential from a risk based standpoint. The soils that were sampled recently were the soils that have been removed from the property.

9. The presence of TCE in soils at a level that exceeded the TCLP concentration for disposal purposes also lends nothing to the analysis. The TCLP test does not determine leachability into groundwater at this Site. It is a test used for disposal

purposes. Again, even if one wished to argue the point, the soils in question have been removed from the Site.

10. The costs of the work you seek are likely to be in excess of \$3 million by our calculations. It is impossible objectively to justify any expenditure of money at this Site for a removal action, but it surely is so for this sum of money at a Site:

- which presents no human health risk,
- where there is no evidence of groundwater contamination
- that is a 0.4 acre site in a large area of Nashville that has been used for industrial purposes for decades
- after a dye trace study that did not show any evidence of migration, except possibly towards the Radnor Yard which itself is under a State groundwater investigation, and
- which, by definition, will not remove all actual and potential sources of groundwater contamination in this large industrial area.

Last year at this time, the risk analysis submitted by Christopher Teaf, M.D., Ph.D, showed that the Saad Site posed no imminent danger to anyone or anything. EPA sent this analysis to the Agency for Toxic Substances and Disease Registry (ATSDR). The ATSDR agreed with Dr. Teaf's analysis. Since then, more soils have been removed from the Site. The work that you seek is based on arbitrary reasoning, not fact. No one will benefit from the work, and many people, especially many small businesses, will suffer from the caprice that underlies a decisions to dig up and haul away a portion of the Saad Site.

You have told us before you are not concerned about costs. We are. Your actions will prompt significant litigation and transaction costs that are unwarranted and unnecessary and we urge you to withdraw your request, close EPA's activities at this Site, and leave the Site to undergo a proper investigation and analysis of remedial alternatives under Tennessee law.

The Committee has a number of additional concerns about this proposed request, including the fact that it breaches commitments that were made when the 1994 Agreed Order on Consent was entered

into. I have stated and explained these concerns in a separate letter to Mr. Andrew Harrison, a copy of which is enclosed.

Sincerely,

SAAD SITE STEERING COMMITTEE

By: Andrew Goddard
Chairman of the Executive
Committee

cc w/ enclosures:

Mr. Shane Hitchcock
Mr. Richard Green
Mr. Joseph Franzmathis
Mr. Patrick M. Tobin
Mr. John H. Hankinson, Jr.
Mr. Andrew Harrison
Ms. Wilda W. Cobb
Mr. T. Anthony Quinn
Mr. Robert C. Watson

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